

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

**UNITED STATES OF AMERICA** )  
 )  
**VS.** ) **CR. NO. MO-96-030M**  
 )  
**JOSE RAFAEL MARCELLENO** )

**MOTION FOR DISMISSAL OF COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Western District of Texas, and pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and files this motion for dismissal of the Complaint without prejudice against JOSE RAFAEL MARCELLENO for the reason it is in the best interest of justice.

WHEREFORE, premises considered, the Government moves the Court to dismiss the Complaint against JOSE RAFAEL MARCELLENO without prejudice.

Respectfully Submitted,  
JOHN E. MURPHY  
UNITED STATES ATTORNEY

By: /s/ JOHN S. KLASSEN  
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## ORDER OF DISMISSAL OF COMPLAINT

ON THIS DATE came on to be considered the Government's Motion to Dismiss the Complaint against JOSE RAFAEL MARCELLENO without prejudice in the above-numbered and styled cause and the Court after considering same is of the opinion that said motion should be GRANTED.

IT IS, THEREFORE, ORDERED that the Complaint against JOSE RAFAEL MARCELLENO be and is hereby DISMISSED without prejudice.

SIGNED and ENTERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

DAVID COUNTS  
United States Magistrate Judge